

87th Legislative Session – 2012

Committee: House Appropriations

Friday, February 10, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Dennert
P Wismer
P Bolin
P Romkema
P Dryden
P White
P Deelstra
P Carson, Vice-Chair
P Wink, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Dean Wink.

MOTION: RECONSIDER HB 1164 AND PLACE ON TODAY'S CALENDAR

Moved by: Carson
Second by: Dennert
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Dennert, Wismer, Bolin, Romkema, Dryden, White, Deelstra, Carson, Wink

HB 1164: appropriate money for the repair of state-owned dams managed by the Office of School and Public Lands and the Department of Game, Fish, and Parks.

Presented by: Jim Seward, Office of the Governor

MOTION: AMEND HB 1164

1164oa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That section 1 of chapter 30 of the 2011 Session Laws be amended to read as follows:

Section 1. The provisions of any law to the contrary, upon the request of the Governor, the Commissioner of School and Public Lands shall sell all or any portion of the following real estate located in Yankton County and any related personal property and improvements located on the property:

- (a) Certain property under the control of the Department of Human Services described generally as Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 21, Township 94 North, Range 55, West of the 5th P.M., also described as Lot 13, consisting of 10.1 acres, more or less, and that portion of Lot 14 as described in Warranty Deed, F.V. Willhite, Grantor to Yankton State Hospital (administered by the South Dakota Department of Human Services) Grantee; as recorded August 26th 1918 in Book 120 on page 388 in the County of Yankton to wit: Commencing on the West or right bank of the James or Dakota River at a point where the east and west section line between sections 21 and 28 of Township 94 North, of Range 55 West of the 5th P.M. intersects said bank of said river; thence west along said section line 4.51 chains; thence north to the right bank of said river, thence down said stream along the right bank of said river to the place of beginning north to the right bank of said river, and accreted land; all of Section 21, Township 94 North, range 55, West of the 5th P.M., consisting of 15 acres, more or less; and
- (b) Certain property under the control of the Department of Human Services described generally as the East 1900 feet of the South 1300 feet of Lot A being a Subdivision of the SE1/4 of Section 36 Township 94 North Range 56 West of the 5th P.M., consisting of 56.70 acres, more or less."

Moved by: Carson
Second by: Bolin
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1164 AS AMENDED

Moved by: Carson
Second by: Dryden
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Dennert, Wismer, Bolin, Romkema, Dryden, White, Deelstra, Carson, Wink

MOTION: AMEND TITLE OF HB 1164

1164ota

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise certain provisions regarding the sale of certain surplus property in Yankton County."

On page 1, delete lines 2 and 3.

Moved by: Carson
Second by: Deelstra
Action: Prevailed by voice vote.

HB 1228: repeal the sunset concerning tax refunds for new or expanded agricultural facilities and new or expanded business facilities.

Presented by: Representative Nick Moser
Proponents: Representative Frank Kloucek
Senator Tom Hansen

MOTION: AMEND HB 1228

1228fa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. The sunset of the tax refunds for new or expanded agricultural facilities and new or expanded business facilities shall be repealed."

Moved by: Carson
Second by: Romkema
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1228 AS AMENDED

Moved by: Carson
Second by: White

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Dennert, Wismer, Bolin, Romkema, Dryden, White, Deelstra, Carson, Wink

HB 1030: revise certain provisions regarding the effective date of certain tax collection allowances.

Presented by: Andy Gerlach, Department of Revenue

MOTION: DEFER HB 1030 TO THE 41ST LEGISLATIVE DAY

Moved by: Carson

Second by: Bolin

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Dennert, Wismer, Bolin, Romkema, Dryden, White, Deelstra, Carson, Wink

HB 1269: make an appropriation for certain costs related to disasters and to pine beetle suppression and to declare an emergency.

Presented by: Kristi Turman, Department of Public Safety (Handout: 1)

Proponents: Doug Hofer, Game Fish & Parks
Jon Farris, Department of Agriculture
Myron Rau, SD Trucking Association
Kitty Kinsman, Rapid City Area Chamber of Commerce
Michele Brich, SD Innkeepers Association
Comments: Chris Petersen, Department of Game, Fish and Parks
Jason Dilges, Bureau of Finance and Management

MOTION: DO PASS HB 1269

Moved by: Carson

Second by: Deelstra

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Dennert, Wismer, Bolin, Romkema, Dryden, White, Deelstra, Carson, Wink

HJR 1006: Proposing and submitting to the electors at the next general election an amendment to Article XIII, sections 20 and 21 of the Constitution of the State of South Dakota, relating to the trust fund created from the proceeds of the state cement enterprise sales.

Presented by: Representative H. Paul Dennert
Proponents: Jason Dilges, Bureau of Finance and Management

MOTION: DO PASS HJR 1006

Moved by: Carson
Second by: Deelstra
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Dennert, Wismer, Bolin, Romkema, Dryden, White, Deelstra, Carson, Wink

HB 1239: revise the per student allocation for the state aid to general education formula.

Presented by: Representative H. Paul Dennert
Proponents: Monte Kramer, Board of Regents
Comments: Jason Dilges, Bureau of Finance and Management

MOTION: DEFER HB 1239 TO THE 41ST LEGISLATIVE DAY

Moved by: Carson
Second by: Deelstra
Action: Withdrawn.

MOTION: AMEND HB 1239

1239fc

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 10-12-42 be amended to read as follows:

10-12-42. For taxes payable in ~~2012~~ 2013 and each year thereafter, the levy for the general fund of a school district shall be as follows:

- (1) The maximum tax levy shall be eight dollars and ~~forty-nine~~ sixty-two and ~~one-tenth~~ eight tenths cents per thousand dollars of taxable valuation subject to the limitations on agricultural property as provided in subdivision (2) of this section, and owner-occupied property as provided in subdivision (3) of this section;
- (2) The maximum tax levy on agricultural property for such school district shall be two

dollars and thirty-eight and eight tenths cents per thousand dollars of taxable valuation. If the district's levies are less than the maximum levies as stated in this section, the levies shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies; and

- (3) The maximum tax levy for an owner-occupied single-family dwelling as defined in § 10-13-40 for such school district shall be ~~three~~ four dollars and ~~ninety-six~~ two and ~~five~~ nine tenths cents per thousand dollars of taxable valuation. If the district's levies are less than the maximum levies as stated in this section, the levies shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies.

All levies in this section shall be imposed on valuations where the median level of assessment represents eighty-five percent of market value as determined by the Department of Revenue. These valuations shall be used for all school funding purposes. If the district has imposed an excess levy pursuant to § 10-12-43, the levies shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies in this section. The school district may elect to tax at less than the maximum amounts set forth in this section.

Section 2. That § 13-13-72 be amended to read as follows:

13-13-72. It is the policy of the Legislature that the appropriation for the state aid to education foundation program increase on an annual basis by the percentage increase in local need on an aggregate statewide basis so that the relative proportion of local need paid by local effort and state aid shall remain constant. For school fiscal year 2013, it is the policy of the Legislature that the relative proportion of the total local need paid by state aid shall be amended by adjusting the proportion of state aid to fifty-three and ~~eight-tenths~~ six-tenths percent of the total local need. However, the increase in the per student allocation on an annual basis that exceeds three percent shall be paid solely by the state and is not a factor in this policy.

Section 3. That § 13-13-72.1 be amended to read as follows:

13-13-72.1. Any adjustments in the levies specified in § 10-12-42 made pursuant to §§ 13-13-71 and 13-13-72 shall be based on maintaining the relationship between statewide local effort as a percentage of statewide local need in the fiscal year succeeding the fiscal year in which the adjustment is made. However, for fiscal year 2013 and each year thereafter, if the levies specified in § 10-12-42 are not adjusted to maintain this relationship, the per student allocation as defined in § 13-13-10.1(4) shall be reduced to maintain the relationship between statewide local effort as a percentage of statewide local need. ~~Any~~ Except for fiscal year 2013, any adjustment to the levy for agricultural property shall be based upon the change in the statewide agricultural taxable valuation and the reclassification of agricultural property to another property classification. Any adjustment to the levies for nonagricultural property and owner-occupied single-family dwellings shall be based upon the change in the statewide nonagricultural property and owner-occupied single-family

dwelling's taxable valuations. However, if any new project with a total taxable valuation of one hundred fifty million dollars or more is constructed, the levies shall be proportionately decreased for agricultural property, nonagricultural property, and owner-occupied single-family dwellings. In addition to the adjustments in the levies provided by this section, the levies shall also be annually adjusted as necessary to reduce the portion of local need paid by local effort by an amount equal to nine million dollars from those funds transferred into the property tax reduction fund pursuant to § 10-50-52 subsequent to July 1, 2007. In addition to the adjustments in the levies provided by this section, the levies for nonagricultural property and owner-occupied single-family dwellings shall also be adjusted as necessary to account for the additional increase in the total assessed value for nonagricultural property and owner-occupied single-family dwellings pursuant to the phasing out and repeal of the provisions provided in § 10-6-74."

Moved by: Dennert
Second by: Wismer
Action: Prevailed by voice vote.

MOTION: DEFER HB 1239 TO THE 41ST LEGISLATIVE DAY

Moved by: Carson
Second by: Deelstra
Action: Prevailed by roll call vote. (6-3-0-0)

Voting Yes: Bolin, Dryden, White, Deelstra, Carson, Wink

Voting No: Dennert, Wismer, Romkema

HB 1199: revise certain provisions related to the distribution of funds to sparse school districts.

Presented by: Representative Dean Wink (Handouts: 2 and 3)
Proponents: Dick Schaffan, McIntosh School Superintendent
Donald Kraemer, Bison School District Superintendent
Lane Ostenson, Edgemont School District (Handouts: 4)
Randy Stevens, Self, Edgemont
Charlie Flowers, SD United Schools Association

MOTION: AMEND HB 1199

1199ba

On page 1, line 10, of the printed bill, overstrike "one hundred twenty-three thousand seven".

On page 1, line 11, overstrike "hundred fifty dollars" and insert "one hundred ten thousand dollars".

Moved by: Bolin
Second by: Deelstra
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1199 AS AMENDED

Moved by: Bolin
Second by: Dryden
Action: Prevailed by roll call vote. (8-1-0-0)

Voting Yes: Dennert, Wismer, Bolin, Romkema, Dryden, Deelstra, Carson, Wink

Voting No: White

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 7, 2012

Moved by: Bolin
Second by: White
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Romkema
Second by: Dryden
Action: Prevailed by voice vote.

Lisa Shafer
Committee Secretary

Dean Wink, Chair